OFFICE OF THE D.L.R.

The proposal made by the Department to apply the Bombay Electricity (Emergency Powers) (Amendment) Act, 1949,(Bom.XLI of 1949) to the partially excluded areas under the Government of India Act, 1935, is not in order.

2. The Government of India, Act, 1935, is repealed by article 395 of the Constitution and some of the former partially excluded areas have now been declared as Scheduled areas have now been under the Scheduled areas (Part A States) Order, 1950.

3. To apply the Bombay Electricity (Emergency Powers) (Amendment) Act, 1949, to the former partially excluded areas which are now Scheduled Areas, it will be necessary to make a regulation under sub-paragraph (2) of paragraph 6 of the Fifth Scheduled to the Constitution.

4. By virtue of section 4 of the West Khandesh Mehwassi Estates Regulation, 1949(Regulation No.1 of 1949), the Bombay Electricity (Emergency powers) (Amendment) Act, 1949, has already been brought into force in the Mehwassi Estates which were formerly partially excluded areas and which are now Scheduled Areas. The proposed regulation will have therefore to be restricted to the remaining areas which were formerly p rtially excluded areas and which are now scheduled areas. These areas are as follows:-

1) Navapur Peths and Akrani Mahal in West Khandesh District.

2.) The Satpura Hills reserved fm forests area in East Khandesh District;

3) Kalyan Taluka and Point Peths in Nasik District.

4.....

4.(4) Dahanu and Shahapur Talukas and Wada and Umbergaon Paths in Thana District

A requisite draft Regulation for these areas is accordingly sent herewith.

(5) The following areas which were formerly partially excluded areas have, however, not been declared to be Scheduled Areas, namely:-

1) The Shahada, Nandurbar and Taloda Talukas of the West Khandesh District; and

2) The Dahad Taluka and the Jhalod Mahal of the Broach and Panch Mahals District.

To apply the amending Act in questions to these areas, it will be necessary to undertake legislation and get it passed by the Legislature.

(6) As required by sub-paragraph(4) of para. 5 of the Fifth Schedule to the Constitution, the Regulation will have to be submitted to the President for his assent. Similarly, the Tribes Advisory Committee will have to be consulted as required by sub-paragraph (5) of the said paragraph 5.

Sd/- J. R. Dhanurdhar.

Remembrancer of Legal Affairs.

U.O. to P.W.D. No.9001/B. dated the 29th April 1953.

HSS.12/6

Legal Department.

The draft of an omnibus Bill for extending certain Acts to the areas which were declared to be partially excluded areas under section 91 of the Government of India Act, 1935, but which have not been declared to be the Scheduled areas under the constitution of India, has been prepared by the Department and supplied to the Education Department. The necessary steps for introducing the Bill in the ensuing session of the Bombay Legislature will be taken by the Education Department.

2. A copy of the Bill is sent herewith for the information of the Public Works Department. The Public Works Department should verify whether any Act pertaining to it which ought to have been included in the Bill has been left out.

Sd/-
Deputy Secretary to Government.

U.O. to P.W.D. No.15580/B dated the 30th June 1954.

P.W.D.
L. Br.

Submitted for information with reference to the notes at pp 35-36.

2 So far as this Dr. is concerned, there is no other Act which would have been included in the Bill.

Id/- U.S.K.
2-7-54.

Through all other Branches.

K Br.

S/- The Ely. (Supply) Act, 1948, with which K Br. is concerned has already been included in the Bill.

Id/- B.D.P.
5-7-54.

Continued .....

H. M.

The Bombay Bldg.(Control on erection) Act, 1948, has not been included in the Schedule. This Act applies to the whole of the State of Bombay in respect of Bldgs. intended to be used for cinemas, theatres and other places of public amusement or entertainment. This application was made by a notification issued under the Bombay Bldg.(Control on erection) Ordinance which succeeded the Act. Partially excluded areas were not then brought within the purview of the Act. It seems necy. to include the Act in the proposed Bill on the analogy of the B.H.Board Act. L.D. may please consider the above.

Id/- M.A.J.
14-7-54.

Id/- P.S.J.
14.7.53.
D.S.(I&C)

Id/- A.D.F.
15-7-53.
Addl. D.S.

Id/- U.N.S.
15-7-53. Secretary

hss.12/6

Office of the R.L.A.

As desired by the Public Works Department, the Bombay Building(Control on erection,Re-erection and Conversion) Act, 1948, will be included in the Omnibus Bill.

Sd/- For Remambrancer of Legal Affairs.

U.R. to P.W.D. No.17692-B, dated the 22nd July 54.

P.W.D.
'L'

Submitted for information.

Thro' H . Br.

Id/-
29-7-54.

Id/-
30-7-54.

Id/-
30-7-54.

Legal Department.

Attention of the Public Works Department is invited to L.D. u.r. No.17692/B, dated the 22nd July 1954.. On reconsideration it is found that it is not necessary to include the Bombay Building (Control on Erection,re-erection and conversion) Act, 1948, in the Omnibus Bill to extend certain Acts to former partially excluded areas. The Act can be extended to the areas in question merely by issuing a notificatuion under section 1 (3) thereof. The Act has not, therefore, been included in the aforesaid Bill.

Sd. Secretary to Govt.

U.R. to P.W.D. No.19838/B, dated the 19th Aug.19

hss.12/6

DBA 1054.

H. BR. P. W. D.

Please see L.D.'s u.r. dt. 19-9-54. It is stated therein that Bombay Bldg.(Control on erection re-erection and conversion) Act, 1948, can be made applicable to areas which were declared to be partially excluded areas under Sn 91 of the Govt.of India Act, 1935, but which have not been declared to be scheduled areas under the Constitution by issuing a notification under Sn 1(3) of the said Act. It is not clear whether the same principle can be adopted for extension of the Act to the partially excluded areas which have been declared as scheduled areas under the constitution or whether in this case it would be necessary to make Regulation under sub-para (2) of para 5 of 5th to the constitution as in the case of N'N

(Emergency powers) (Amendment) Act, 1949, vide R.L.A.'s u.r. dt. 29-4-53. The L.D. may be requested to clarify.

Id.

U.O.R. to the L.D. dt. 29-8-54.

hsa 12/6

LEGAL DEPARTMENT.

Attention of the Public Works Department is invited to Bombay regulation 1 of 1950 (published in Bombay Govt. gazettee part IV dated the 24th October 1950 at pp. 479-480) under which the Bombay building (Control on Erection) Act, 1948, was applied to the Scheduled areas in the State of Bombay.

-Sd.

Jt. Secy. to Govt.

U.R. to P.W.D. No.24195/A dated 22nd October 1954.

BD; 1054/142191

P. W. D.

H BR.

Submitted wi for information with reference to this Department u.o.r. 46. the 28-9-54.

2/- The L.D. states that under Regulation 1 of 1950, the Bombay Buildings (Control on Erection Act, 1948, was applied to the Scheduled areas in the State of Bombay.

3/- No action on those papers is therefore necessary record.

Id. hns.12/0